

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

CHARLES BERNARD STANLEY

PLAINTIFF

v.

Civil No. 05-1031

PFC DARDEN, El Dorado Police Department;
UNION COUNTY ARKANSAS; KEN JONES,
Sheriff, Union County, ARKANSAS;
DR. SEALE, Jail Doctor; and DEBBIE
HOWARD, Jail Nurse

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Charles B. Stanley filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 13, 2005. He proceeds pro se and in forma pauperis (IFP).

On September 30, 2005, separate defendant Dr. Seale filed a motion for summary judgment (Doc. 23). On October 6, 2005, the undersigned entered an order (Doc. 26) directing Stanley to complete, sign and return an attached questionnaire that would serve as his response to the summary judgment motion.

The plaintiff's response to the questionnaire was to be returned by November 7, 2005. To date, the plaintiff has failed to respond to the questionnaire. The court's order and attached questionnaire have been returned as undeliverable. Additionally, a motion to compel filed on November 8, 2005 (Doc. 31) by the defendants has been returned as undeliverable.

Plaintiff has not informed the court of any change in his address. Plaintiff has not sought an extension of time to respond to the summary judgment motion and has not otherwise communicated with the court.

I therefore recommend Stanley's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 16th day of November 2005.

/s/ Bobby E. Shepherd
UNITED STATES MAGISTRATE JUDGE